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Attorneys for Defendants
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BURNETTE, PAUL PFEIFER, and JOSE LEMUS

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RICHARD GOSZTYLA,

Plaintiff,

vs.

FRENCH, et al.,

Defendants

Case No.: 2:21-cv-01403-DJC-EFB (PC)

**SECOND REQUEST FOR EXTENSION OF
TIME TO FILE DISPOSITIONAL
DOCUMENTS; DECLARATION OF
WENDY MOTOOKA IN SUPPORT
THEREOF; ORDER**

On July 15, 2025, the parties successfully completed a settlement conference before the Honorable Carolyn K. Delaney. The terms of the settlement included that the settlement funds be issued via check to plaintiff, but delivered to plaintiff's mother Debbi Gosztyla in Arizona, and that dispositional documents be filed within 30 days of the date of the settlement conference.

Defendants timely provided the settlement check to plaintiff's mother. She subsequently informed defense counsel that the bank would not accept her power of attorney to cash the check for plaintiff in its present amount, but that the bank had indicated that it would accept her power of attorney to cash multiple smaller checks for plaintiff. Plaintiff's mother therefore asked to return to original settlement check to defendants so that defendants could reissue the settlement funds in the form of two smaller checks. To allow time for this alternative, defendants requested and the Court granted an extension of time to file the dispositional documents in this case. ECF

No. 83.

Because of continued obstacles reported by Ms. Gosztyla, as described in the supporting declaration of Wendy Motooka, and because plaintiff's status as an incarcerated person makes a stipulated request impractical under the circumstances, defendants now move to extend the time to file dispositional documents by 90 days, to December 10, 2025.

DATE: September 11, 2025

RIVERA HEWITT PAUL LLP

/s/ Wendy Motooka

WENDY MOTOOKA

Attorneys for Defendants DETECTIVES MICHAEL
FRENCH, NATHAN BURNETTE, PAUL
PFEIFER, and JOSE LEMUS

DECLARATION OF WENDY MOTOOKA

I, WENDY MOTOOKA, declare as follows:

1. On July 15, 2025, a successful settlement conference was held in this matter before the Honorable Carolyn K. Delaney. The Court ordered dispositional documents to be filed within 30 days.

2. Plaintiff is currently incarcerated in California State Prison, Corcoran. At the settlement conference, plaintiff requested that the settlement funds be issued to him, but that the check be mailed to his mother Debbi Gosztyla at her residence in Arizona.

4. On August 13, 2015, I received the settlement check from the County of Sacramento. My office transmitted the check to plaintiff's mother that day and obtained confirmation that it was delivered on August 14, 2025.

5. On August 13, 2025, I sent plaintiff a letter informing him that the check had been sent to his mother. I included with this letter a draft dismissal for plaintiff to sign and file upon confirmation from his mother that the funds had been received.

6. On August 18, 2025, I received a phone call from plaintiff's mother. Ms. Gosztyla told me that her bank was unwilling to accept her power of attorney to cash the check, but that she would be permitted to use her power of attorney to cash checks issued to plaintiff for smaller

1 amounts.

2 7. Ms. Gosztyla requested that the County replace the settlement check with multiple
3 smaller checks. She agreed to return to the original settlement check to the County. Ms.
4 Gosztyla represented that she had spoken with plaintiff about this issue earlier that day.

5 8. Defendants reissued two smaller settlement checks and sent them to Ms. Gosztyla
6 via FedEx on September 5, 2025. I wrote to plaintiff that same day to notify him that the
7 replacement checks had been sent and providing him with another copy of the draft dismissal.

8 9. On September 10, 2025, I received a call from Ms. Gosztyla. She stated that the
9 bank would not accept her power of attorney to cash the two smaller checks. She requires
10 additional time to consult with plaintiff and to determine how to proceed. She is contemplating
11 requesting that the settlement check be reissued for a third time, so that her name can appear on
12 the payee line.

13 10. If the check must reissue with Ms. Gosztyla as a new payee, the parties will have
14 to modify the settlement agreement and obtain the necessary tax documentation from plaintiff's
15 mother before the check can reissue.

16 11. To allow Ms. Gosztyla time to explore her options for depositing the funds while
17 still allowing sufficient time in the event that plaintiff wishes to modify the settlement agreement
18 to change the payee, and to relieve defense counsel from having to file additional requests for
19 extension of time, a 90-day extension of time to file the dispositional documents would be
20 appropriate.

21 12. I have personal knowledge of the matters referenced above and, if called upon,
22 could competently testify thereto.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Executed on September 11, 2025, at Gold River, California.

26
27 /s/ Wendy Motooka
WENDY MOTOOKA

ORDER

Having considered the motion of defendants and good cause appearing, the Court hereby
ORDERS that:

1. The deadline for filing dispositional documents in this action shall be extended by
90 days to December 10, 2025.

IT IS SO ORDERED

Dated: September 11, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

Gosztyla v. French, et al.,
Case Number No. 2:21-cv-01403-DJC-EFB (PC)

PROOF OF SERVICE

I am a citizen of the United States, employed in the County of Sacramento. My business address is 2355 Gold Meadow Way, Suite 170, Gold River, California, 95670. I am over the age of 18 years and not a party to the above-entitled action.

I am familiar with RIVERA HEWITT PAUL LLP's practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a U.S. mailbox after the close of each day's business.

On the following date, I served the attached:

**SECOND REQUEST FOR EXTENSION OF TIME TO FILE DISPOSITIONAL
DOCUMENTS; DECLARATION OF WENDY MOTOOKA IN SUPPORT THEREOF;
[PROPOSED] ORDER**

— on the indicated parties in this action by causing a true copy thereof to be placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail (all other parties listed below will receive this filing via the Court's ECF system),

XX on the parties in this action by causing a true copy thereof to be placed in a sealed envelope with first class postage thereon fully prepaid in the designated area for outgoing mail,

— on the parties in this action by causing a true copy thereof to be electronically mailed to the attorneys of record in the above action,

addressed as follows:

PRO SE

Richard Gosztyla
BJ2002
CALIFORNIA STATE PRISON, CORCORAN
4B1R CELL #50
P.O. BOX 3481
CORCORAN, CA 93212

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration is executed on September 11, 2025, at Gold River, California.

/s/ Melissa Green
MELISSA GREEN